

HOUSE BILL 2718

By Fincher

AN ACT amend Tennessee Code Annotated, relative to enacting the "Tennessee Taxpayer and Citizen Protection Act of 2008".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Taxpayer and Citizen Protection Act of 2008".

SECTION 2. The general assembly finds that illegal immigration is causing economic hardship and lawlessness in this state and that illegal immigration is encouraged when public agencies within this state provide public benefits without verifying immigration status. The general assembly further finds that when illegal immigrants have been harbored and sheltered in this state and encouraged to reside in this state through the issuance of identification cards that are issued without verifying immigration status, these practices impede and obstruct the enforcement of federal immigration law, undermine the security of our borders, and impermissibly restrict the privileges and immunities of the citizens of Tennessee. Therefore, the people of the state of Tennessee declare that it is a compelling public interest of this state to discourage illegal immigration by requiring all agencies within this state to fully cooperate with federal immigration authorities in the enforcement of federal immigration laws. The state of Tennessee also finds that other measures are necessary to ensure the integrity of various governmental programs and services.

SECTION 3.

(a) The following entities may create, publish or otherwise manufacture an identification document, identification card, or identification certificate and may possess an engraved plate or other such device for the printing of such identification; provided, the name of the issuing entity shall be clearly printed upon the face of the identification:

(1) Businesses, companies, corporations, service organizations and federal, state and local governmental agencies for employee identification which is designed to identify the bearer as an employee;

(2) Businesses, companies, corporations and service organizations for customer identification which is designed to identify the bearer as a customer or member;

(3) Federal, state and local government agencies for purposes authorized or required by law or any legitimate purpose consistent with the duties of such an agency, including, but not limited to, voter identification cards, driver licenses, nondriver identification cards, passports, birth certificates and social security cards;

(4) Any public school or state or private educational institution, to identify the bearer as an administrator, faculty member, student or employee;

(5) Any professional organization or labor union to identify the bearer as a member of the professional organization or labor union; and

(6) Businesses, companies or corporations which manufacture medical-alert identification for the wearer thereof.

(b) All identification documents as provided for in subdivision (a)(3) or (a)(4) shall be issued only to United States citizens, nationals and legal permanent resident aliens.

(c)(1) Subsection (b) shall not apply when an applicant presents, in person, valid documentary evidence of:

(A) A valid, unexpired immigrant or nonimmigrant visa status for admission into the United States;

(B) A pending or approved application for asylum in the United States;

(C) Admission into the United States in refugee status;

(D) A pending or approved application for temporary protected status in the United States;

(E) Approved deferred action status; or

(F) A pending application for adjustment of status to legal permanent residence status or conditional resident status.

Upon approval, the applicant may be issued an identification document provided for in subdivision (a)(3) or (a)(4). Such identification document shall be valid only during the period of time of the authorized stay of the applicant in the United States or, if there is no definite end to the period of authorized stay, a period of one (1) year. Any identification document issued pursuant to this subsection (c) shall clearly indicate that it is temporary and shall state the date that the identification document expires. Such identification document may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the identification document has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

(d) Subsection (b) shall not apply to an identification document described in subdivision (a)(4) that is only valid for use on the campus or facility of that educational institution and includes a statement of such restricted validity clearly and conspicuously printed upon the face of the identification document.

(e) Any driver license issued to a person who is not a United States citizen, national or legal permanent resident alien for which an application has been made for renewal, duplication or reissuance shall be presumed to have been issued in accordance with subsection (c); provided that, at the time the application is made, the driver license has not expired, or been cancelled, suspended or revoked. The

requirements of subsection (c) shall apply, however, to a renewal, duplication or reissuance if the department of safety is notified by a local, state or federal government agency of information in the possession of the agency indicating a reasonable suspicion that the individual seeking such renewal, duplication or reissuance is present in the United States in violation of law. This subsection (e) shall not apply to United States citizens, nationals or legal permanent resident aliens.

SECTION 3. An individual who is not lawfully present in the United States shall not be eligible on the basis of residence within the state for:

(1) Any postsecondary education benefit, including, but not limited to, scholarships or financial aid; or

(2) Resident tuition.

SECTION 4. This act shall take effect November 1, 2008, the public welfare requiring it.